

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75187 of 2018

Arising Out of PS. Case No.-640 Year-2018 Thana- KHAGARIA District- Khagaria

Md. Raju @ Md. Raju Khan, Son of Md. Lalo, Resident of Village- Islampur,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Khagaria (Muffasil) P.S. Case No. 640 of 2018 registered for the offence punishable under Sections 341, 323, 342, 386, 387, 120(B), 504, 379/34 of the Indian Penal Code.

Informant in his written complaint has stated that his maternal brother in law Md. Raju (petitioner) called him in Islampur and he had taken 30,000/- from Md. Mustaq to obtain some land documents but he could not obtain it nor he could refund his money and invested in business of land dealing thereafter it has been alleged that Md. Raju (petitioner), Md. Mustaq and other co-accused took him to a lonely place and abused and assaulted him and also snatched away his mobile



phone, A.T.M. card, Adhar Card, documents and Rs. 50,000/- and also threatened to kill him.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the date of occurrence is 17.09.2018 but FIR was lodged on 20.09.2018 after delay of three days without any explanation of delay. It has been further submitted that co-accused, namely, Md. Nasim @ Munna has been granted bail by this Hon'ble Court vide order dated 06.12.2018 passed in Cr. Misc. No. 69736 of 2018. Petitioner has no criminal antecedent and he is in custody since 21.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 640 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence



or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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